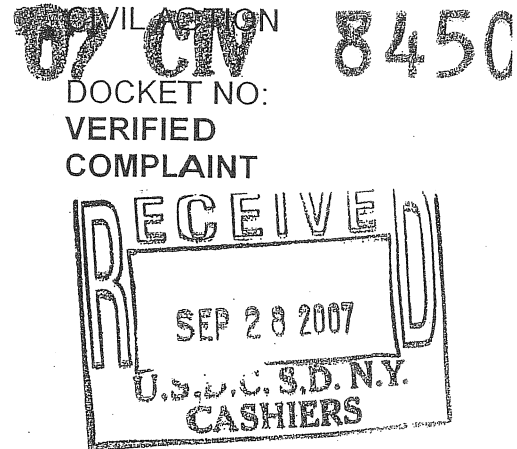


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARY A. CLARKE,
Plaintiff,

-against-

UNITED STATES OF AMERICA
Defendant.
-----X



Plaintiff, MARY A. CLARKE by her attorneys HARNICK & HARNICK, as and for
her verified complaint, upon information and belief, at all times herein mentioned
alleges:

INTRODUCTION:

1. The plaintiff brings this action seeking compensation for personal injuries from a trip and fall sustained as a result of the negligence of the defendant, UNITED STATES OF AMERICA in its ownership, management, control and maintenance of the sidewalk in front of 26 Federal Plaza, between Thomas and Worth Streets, in the County, City, and State of New York.

PROCEDURAL BACKGROUND

2. This action is brought against the UNITED STATES OF AMERICA, pursuant to the Federal Tort Claims Act ("FCTA") (Title 28, U.S.C. §§ 1346, 2671-2080 2671).

3. Within two (2) years after the occurrence of the event complaint of herein, and pursuant to Title 28 U.S.C. § 2401(b), plaintiff duly filed a statement of her claim, Standard Form 95, with the U.S. General Services Administration that was received via Certified mail on or about the 21ST day of August 2006.

4. That the above said claim has been left without action by the U.S. General Services Administration for six months, permitting suit to be instituted without final action on the claim pursuant to Title 28 U.S.C. § 2675(a).

JURISDICTION AND VENUE

5. The court has jurisdiction over this action pursuant to Title 28 U.S.C §1346(b)

6. Venue is properly established in the Southern District of New York pursuant to 28 U.S.C. § 1402(b).

PARTIES:

7. That Plaintiff, Mary A. Clarke resided and still resides at 205 W. 13th Street, County, City and State of New York.

8. That at all times hereinafter mentioned, defendant UNITED STATES OF AMERICA had and still has certain department or agency known as the U.S. General Services Administration under its control.

9. That at all times hereinafter mentioned, the U.S. General Services Administration is a governmental agency with an office located at 26 Federal Plaza, County of New York.

FACTS:

10. That at all times hereinafter mentioned, the sidewalk on the eastern side of Broadway between Thomas and Worth Streets in front of 26 Federal Plaza, County of New York was and still is a public thoroughfare in common use by the public

11. That at all times hereinafter mentioned the defendant, UNITED STATES OF AMERICA, owned the sidewalks located at and or adjacent to said premises known 26 Federal Plaza, County of New York, City and State of New York.

12. That at all times hereinafter mentioned the defendant, UNITED STATES OF AMERICA, operated the sidewalks located at and or adjacent to said premises known 26 Federal Plaza, County of New York, City and State of New York.

13. That at all times hereinafter mentioned the defendant, UNITED STATES OF AMERICA, maintained the sidewalks located at and or adjacent to said premises known 26 Federal Plaza, County of New York, City and State of New York.

14. That at all times hereinafter mentioned the defendant, UNITED STATES OF AMERICA, managed the sidewalks located at and or adjacent to said premises known 26 Federal Plaza, County of New York, City and State of New York.

15. That at all times hereinafter mentioned the defendant, UNITED STATES OF AMERICA, controlled the sidewalks located at and or adjacent to said premises known 26 Federal Plaza, County of New York, City and State of New York.

16. That at all times hereinafter mentioned, it was the duty of the defendant, UNITED STATES OF AMERICA, its servants, agents and/ or employees to maintain the sidewalks located at and or adjacent to said premises known as 26 Federal Plaza, in the County of New York, City and State of New York.

17. That on the 13th day of October 2005, the plaintiff, Mary A. Clarke was lawfully walking on the sidewalk on the eastern side of Broadway between Thomas and Worth Streets, in front of 26 Federal Plaza, County, City and State of New York, when she was caused to trip and fall due to the trap like, dangerous, uneven, broken-up, raised and depressed condition of the sidewalk thereat, causing her to sustain serious, severe and permanent injuries.

18. That on the 13th day of October 2005 and for a period of time prior thereto, there existed a dangerous, uneven, broken-up, raised and depressed condition of sidewalk at the aforesaid location.

19. That on the 13th day of October, 2005 the plaintiff Mary A. Clarke was caused to be injured as a result of said dangerous, uneven, broken-up, raised and depressed condition existing on the sidewalk at the aforesaid location.

20. That by reason of the foregoing, the plaintiff was injured.

21. That the aforesaid occurrence was caused solely and wholly by reason of the negligence of the defendants, their agents, servants and/or employees, and was in no wise contributed to by the plaintiff herein.

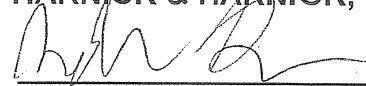
22. Actual and constructive notice is claimed against the defendants herein.

23. That by reason of the foregoing, by reason of the foregoing occurrence, the plaintiff, MARY A. CLARKE was caused to sustain serious, severe and permanent injuries; was compelled to obtain hospital and medical care, aid and attention; was confined to her bed and home, unable to attend to her duties; her earning capacity was and will be impaired; and she sustained other and further expenses, all to her damage in the sum of ONE MILLION (\$1,000,000.00) DOLLARS.

WHEREFORE, the plaintiff demands judgment against the defendant, in the sum of ONE MILLION (\$1,000,000.00) DOLLARS, together with the costs and disbursements of this action, and such other and further relief as to this Court seems just and proper.

Dated: New York, New York
September 28th, 2007

HARNICK & HARNICK, ESQS.



ROBERT HARNICK, ESQ.

**Attorneys for Plaintiff
305 Broadway, Ste. 602
New York, N.Y. 10007
(212) 962-5065**

VERIFICATION

STATE OF NEW YORK)

COUNTY OF NEW YORK) ss.:

MARY A. CLARKE, being duly sworn, deposes and says:

That deponent is the plaintiff in the within action; that deponent has read the foregoing **SUMMONS AND VERIFIED COMPLAINT** and know the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believe them to be true.


MARY A. CLARKE

Sworn to before me this
28th day of September, 2007


Notary Public

ROBERT HARNICK
Notary Public, State of New York
No. 24-4965892
Qualified in Kings County
Commission Expires April 30, 2010

ROBERT HARNICK
Notary Public, State of New York
No. 24-4965892
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SOUTHERN DISTRICT OF NEW YORK**

MARY A. CLARKE

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

**HARNICK & HARNICK
Attorneys for Plaintiff
305 Broadway, Suite 602
New York, New York 10007
(212) 962-5065**